

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

	)	
APPALACHIAN VOICES, et al.,	)	
	)	
Petitioners,	)	
v.	)	
	)	No. 20-2187 (L)
UNITED STATES	)	
ENVIRONMENTAL PROTECTION	)	
AGENCY, et al.,	)	
	)	
Respondents.	)	
	)	

**STATUS REPORT**

Respondents (collectively, “EPA”) submit this status report in accordance with this Court’s April 8, 2022 order.

1. These consolidated petitions for review challenge an EPA rule entitled “Steam Electric Reconsideration Rule,” 85 Fed. Reg. 64650 (Oct. 13, 2020) (“2020 Rule”).

2. In July 2021, EPA announced its intention to conduct a notice-and-comment rulemaking to reconsider the 2020 Rule and moved to hold this case in abeyance pending completion of the rulemaking. Mot. to Hold Case in Abeyance (July 26, 2021), Doc. No. 62-1; 86 Fed. Reg. 41801 (Aug. 3, 2021).

3. On April 8, 2022, the Court granted EPA’s motion and placed this case into abeyance pending the completion of EPA’s rulemaking. Order (Apr. 8, 2022), Doc. No. 83. The Court ordered EPA to file status reports at thirty-day intervals. *Id.*

4. EPA finalized its reconsideration of the 2020 Rule earlier this year. 89 Fed. Reg. 40198 (May 9, 2024) (“2024 Rule”).

5. A number of parties challenged the 2024 Rule in various petitions for review filed in several circuits. Under the multicircuit petition process in 28 U.S.C. § 2112(a), the Judicial Panel on Multidistrict Litigation selected the Eighth Circuit as the court in which to consolidate those petitions. *In re: Environmental Protection Agency, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Generating Point Source Category*, 89 Fed. Reg. 40198, Published on May 9, 2024, MCP No. 187 (J.P.M.L. June 14, 2024); *Sw. Elec. Power Co. v. EPA*, No. 24-2123 (8th Cir.) (lead case).

6. EPA’s position is that this Court should continue to hold these petitions in abeyance pending the Eighth Circuit’s review of the 2024 Rule. In accordance with this Court’s April 8, 2022 order, EPA will file another status report in thirty days.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on November 18, 2024, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Tsuki Hoshijima